

#### REMARKS

Favorable reconsideration of this application as presently amended, and in light of the following discussion, is respectfully requested.

After entry of the foregoing amendment, Claims 13-17 remain pending in the present application. Claims 1-12 have been cancelled without prejudice or disclaimer, the subject matter of these claims being re-presented in a more acceptable form for U.S. practice. No new matter has been added by the amendment.

By way of summary, the Official Action presents the following issues: Claim 11 is objected to as to matters of form; Claims 1-12 stand rejected under 35 U.S.C. §112, second paragraph; Claims 1-4, 8-9, and 11-12 stand rejected under 35 U.S.C. §102 as being unpatentable over Kamerman et al. (U.S. Patent No. 6,067,291, hereinafter Kamerman); and Claims 5-7 and 10 stand rejected under 35 U.S.C. §103 as being unpatentable over Kamerman in view of Zhau et al. (U.S. Patent No. 6,127,979, hereinafter Zhau).

#### CLAIM OBJECTIONS

The objection to Claim 11 has been rendered moot by the cancellation of this claim.

#### REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH

The rejection of Claims 1-12, as outlined at paragraph 4 of the Official Action, has been rendered moot by the cancellation of these claims. Applicants note that the new claims have been re-presented to clarify that the RF signal can be used to send data to other devices and to receive data from other data devices by load modulation.

REJECTIONS UNDER 35 U.S.C. §102/103

The Official Action has rejected Claims 1-4, 8-9 and 11-12 under 35 U.S.C. §102 as being unpatentable over Kamerman. Applicants respectfully traverse the rejection.<sup>1</sup>

Applicants' new Claim 13, recites, *inter alia*, a communication device including:

means for generating an RF (radio frequency) signal;

means for modulating the RF signal at one of a plurality of transfer rates, and for modulating a received RF signal of another device by load modulation;

means for demodulating the RF signal load modulated by the another device, and for demodulating a second RF signal provided to the communication device from the another device;

means for detecting the second RF signal of the another device, the detecting being at a level of a first threshold or greater,

wherein the means for generating is actuated upon an absence of the detecting to initiate an active or passive mode communication, the active mode including the transmission of modulated data at the communication device and the another device, the passive mode providing load modulated communication from the another device to the communication device, and, when the another device receives an indication of the active mode, the means for detecting receives the data of the another device at a level of a second threshold or higher, the second threshold being higher than the first threshold.

As the new claims now more clearly present the subject matter of the previously presented claims, and include modulating means for receiving the RF signal and for load modulating RF signal of the second device, and as these features are entirely absent from Kamerman. Applicants respectfully submit that the newly presented claims are patentably distinguishable over this reference. Moreover, the newly presented claims include language delineating active and passive mode operation which is neither disclosed nor suggested by the art of record.

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<sup>1</sup> Applicants will treat this rejection as if applied to the newly presented claims.

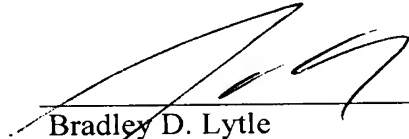
As the secondary reference Zhau, has not been cited for providing these features, nor does it provide these features alone or in combination of Kamerman, Applicants respectfully submit that new Claims 13-17 are patentably distinguished over all art of record.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present application in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
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Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)

Scott A. McKeown  
Registration No. 42,866